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DAKO NORTH AMERICA, INC. and DAKO DENMARK A/S

[Additional Counsel appear on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, ABBOTT
MOLECULAR INC., and ABBOTT
LABORATORIES INC.,

Plaintiffs,

v.

DAKO NORTH AMERICA, INC. and
DAKO DENMARK A/S,

Defendants.

Case No. C-05-03955 MHP

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CHANGE DATE OF TRIAL**

Judge: Marilyn Hall Patel

AND RELATED COUNTERCLAIMS

STIPULATION TO CHANGE TRIAL DATE

WHEREAS, the Court has currently scheduled trial to begin on May 12, 2009;

WHEREAS, Defendants Dako North America, Inc. and Dako Denmark A/S (collectively “Defendants”) recently learned of a conflict with the May 12, 2009, trial date of their expert who will testify on invalidity and inequitable conduct;

WHEREAS, Plaintiffs The Regents of the University of California, Abbott Molecular Inc., and Abbott Laboratories Inc. (collectively “Plaintiffs”) recently learned that their technical expert who will testify on issues of infringement, validity, and enforceability may have a potential conflict during the week of May 18, 2009;

WHEREAS, Plaintiffs and Defendants have conferred and determined that their witnesses could be available if the trial date was moved from May 12, 2009, to May 26, 2009, or to the next available trial date thereafter;

Pursuant to Civil L.R. 6-2, Plaintiffs and Defendants stipulate and jointly move for an order to move the current May 12, 2009, trial date two weeks out to May 26, 2009, or to the next available trial date thereafter. The parties make this request subject to the Court’s availability.

The parties respectfully suggest that if the Court moves the trial date, the pretrial conference date and the corresponding date for exchange of pretrial pleadings be postponed by the same amount of time.

By her signature below, counsel for Defendants attests that counsel for Plaintiffs concurs in the filing of this document.

Dated: March 24, 2009

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Tina E. Hulse
Tina E. Hulse

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DAKO NORTH AMERICA, INC. and DAKO
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10 Dated: March 24, 2009

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11 By: /s/ Carolyn Chang
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SUPPORTING DECLARATION OF TINA E. HULSE

I, TINA E. HULSE, declare as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California, and am an associate of Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., counsel for the Defendants in the above-entitled action. The matters stated herein are based upon my personal knowledge, and if called as a witness, would testify as to them.

2. Defendants' only disclosed expert to support their invalidity and inequitable conduct defenses is Dr. Robert Singer. During a recent conversation, Dr. Singer told me that he has a conflict with the currently scheduled May 12-22, 2009, trial date.

3. Shortly after learning of this conflict, Defendants' counsel contacted Plaintiffs' counsel. Plaintiffs' counsel, Lynn Pasahow, advised that Plaintiffs would be willing to accommodate Dr. Singer's schedule and move the trial date. Tentatively, the parties determined that their witnesses could accommodate a postponement of two weeks, to May 26, 2009. Mr. Pasahow further indicated that Plaintiffs would consider the Court's next available trial date if the suggested alternative date of May 26 were inconvenient with the Court.

4. I have also been informed by counsel for Plaintiffs that their technical expert may also have a potential conflict during the currently scheduled May 12, 2009, trial, and thus would also be interested in having the trial moved two weeks or to the next available trial date thereafter.

5. There have been no previous time modifications of the trial date following remand from the Federal Circuit.

6. A change in time continuing the currently scheduled May 12, 2009, trial date for two weeks after may affect the other pretrial dates scheduled in this case, including the due date for the pretrial papers and the pretrial conference.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this 24th day of March, 2009, at Palo Alto, California.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Tina E. Hulse
Tina E. Hulse
Attorneys for Defendants/Counterclaim-Plaintiffs
**DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S**

[PROPOSED] ORDER

Upon Good Cause Shown, the Court hereby ORDERS:

The date of trial shall be changed from May 12, 2009, to May 27, 2009.

The date for the pretrial conference shall be changed from April 23, 2009, to May 6, 2009, at 2:30 p.m.. The due date for exchange of pretrial pleadings shall be changed from April 13, 2009, to April 24, 2009.

IT IS SO ORDERED.

Dated: 3/25, 2009

